

# 49

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 1600, 1602, 1604 AND 1606 EAST MARTIN LUTHER  
3 KING JR. BOULEVARD IN THE UPPER BOGGY CREEK NEIGHBORHOOD  
4 PLAN AREA FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP)  
5 COMBINING DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED USE-  
6 VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-  
7 NEIGHBORHOOD PLAN (LR-MU-V-CO-NP) COMBINING DISTRICT.  
8

9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
10

11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
12 change the base district from family residence-neighborhood plan (SF-3-NP) combining  
13 district to neighborhood commercial-mixed use-vertical mixed use building-conditional  
14 overlay- neighborhood plan (LR-MU-V-CO-NP) combining district on the property  
15 described in Zoning Case No. C14-2008-0099, on file at the Neighborhood Planning and  
16 Zoning Department, as follows:  
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18 Lots 1, 2, 3, and 4, Block 2, C.R. Johns & Co. Subdivision of Outlot No. 45,  
19 Division B, a subdivision in the City of Austin, Travis County, Texas, according to  
20 the map or plat of record in Volume 1, Page 3, of the Plat Records of Travis  
21 County, Texas (the "Property"),  
22

23 locally known as 1600, 1602, 1604, and 1606 East Martin Luther King, Jr. Boulevard, in  
24 the City of Austin, Travis County, Texas, and generally identified in the map attached as  
25 Exhibit "A".  
26

27 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
28 established by this ordinance is subject to the following conditions:  
29

- 30 A. All residential and commercial development shall comply with Austin Energy  
31 Green Building Program currently in effect, to achieve a minimum three-star  
32 rating.  
33  
34 B. Development of the Property may not exceed 66 dwelling units.  
35  
36

- 1 C. The space allotted for a commercial use may not exceed 2,499 square feet of  
2 site area including exterior seating.  
3  
4 D. Access to the residential parking structure shall be from Martin Luther King Jr.  
5 Boulevard.  
6  
7 E. Access to a parking area for a retail use on the Property shall be from Leona  
8 Street.  
9  
10 F. A site plan or building permit for the Property may not be approved, released,  
11 or issued, if the completed development or uses of the Property, considered  
12 cumulatively with all existing or previously authorized development and uses,  
13 generate traffic that exceeds 2,000 trips per day.  
14

15 Except as specifically restricted under this ordinance, the Property may be developed and  
16 used in accordance with the regulations established for the neighborhood commercial (LR)  
17 base district, the mixed use (MU) combining district, and other applicable requirements of  
18 the City Code.  
19

20 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2009.  
21  
22

23 **PASSED AND APPROVED**  
24

25 §  
26 §  
27 \_\_\_\_\_, 2009 § \_\_\_\_\_  
28 Will Wynn  
29 Mayor  
30  
31

32 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
33 David Allan Smith Shirley A. Gentry  
34 City Attorney City Clerk